

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

ELLIS-DON CONSTRUCTION, INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	1:05CV01119
	)	
CORLEY REDFOOT ZACK, INC.,	)	
	)	
Defendant.	)	

**J-U-D-G-M-E-N-T**

On July 27, 2006, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636(b). No objections were received by the court within the time prescribed by the statute.

The court hereby adopts the Magistrate Judge's Recommendation.

**IT IS HEREBY ORDERED AND ADJUDGED** that Plaintiff's motion for judgment on the pleadings as to Defendant's amended counterclaim (docket no. 18) be GRANTED, and that Defendant's amended counterclaim be dismissed with prejudice.

  
UNITED STATES DISTRICT JUDGE

DATE: October 11, 2006